

REMARKS

Claims 1 through 4 are pending in the instant application. The Examiner has rejected Claims 1 through 4 under 35 U.S.C. 102(e) as being anticipated by US 6,406,715 (Cefali). The Examiner has rejected the Applicant's claim of priority to US 6,129,930 for failure of adequate support in the manner provided by 35 U.S.C. 112, first paragraph.

The Applicant respectfully submits herewith a 37 C.F.R. 132 Declaration of Eugenio A. Cefali, inventor of the Cefali reference and the present application. The Declaration states that the present invention is derived from and based on Dr. Cefali's work which resulted in both the Cefali reference and the present application, filed on the same date, October 31, 1997. As a result, the invention described in the present application is not an invention "by another", as required for anticipation under 35 U.S.C. 102(e).

The Applicant therefore respectfully submits that the Section 132 Declaration overcomes the Examiner's rejection under 35 U.S.C. 102(e) and that all pending claims are in condition for allowance.

Should the Examiner have any questions or require further information or clarification, Applicant respectfully requests that the Examiner contact the undersigned at the information indicated below. No fees are believed to be due at this time. However, please charge any additional fees to Applicant's Deposit Account No. 50-2543.

Respectfully submitted,

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CERTIFICATION UNDER 37 C.F.R., §1.10

I hereby certify that the attached papers are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on 3/15/2006 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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